

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:210. Free fishing days.

RELATES TO: KRS 150.010[, 150.025, 150.170, 150.175]

STATUTORY AUTHORITY: KRS 150.025, 150.170, 150.175

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.170 and 150.175 authorize the department to promulgate administrative regulations requiring licenses for taking fish. KRS 150.025 authorizes the department to establish administrative regulations to carry out the purposes of KRS Chapter 150, which includes fish conservation education. This administrative regulation establishes free fishing days the first weekend in June and establishes the requirements for taking fish during the free fishing days.

Section 1. Free Fishing Days. There shall be [a] two (2) days each year designated as "free fishing days" to promote the sport of fishing and conservation of fish. The two (2) free fishing days shall be the first weekend in June of each year.

Section 2. Requirements. During the free fishing days, individuals[~~persons~~] shall be permitted to fish without a license. Creel and size limits and the provisions[~~provision~~] of KRS Chapter 150 and 301 KAR Chapter 1 shall apply, including entry on to private lands.

Section 3. Trout Permits. A trout permit shall not be required during free fishing days for persons who are fishing for trout.

RICH STORM, Commissioner

MICHAEL E. BERRY, Secretary

APPROVED BY AGENCY: May 19, 2021

FILED WITH LRC: May 19, 2021 at 4:29 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 24, 2021 at 2:00 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through August 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation designates the first two full weekend days in June as free fishing days. On these days, individuals may fish without a fishing license and no trout stamp is required to keep trout. Creel and size limits are still enforced.

(b) The necessity of the administrative regulation: This regulation is necessary to promote fishing and fish conservation within the state of Kentucky.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.170 and 150.175 authorize the department to promulgate administrative regulations requiring licenses for taking fish. KRS 150.025 authorizes the department to establish administrative regulations to carry out the purposes of KRS Chapter 150, which includes fish conservation education.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by allowing anglers on the first full weekend in June to fish without a license or trout stamp.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This is a cleanup pertaining to outdated language in the regulation.

(b) The necessity of the amendment to this administrative regulation: This is just a regulation cleanup.

(c) How does the amendment conform to the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: All individuals fishing on free fishing days will be affected.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No extra actions will need to be taken.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the entities listed in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There are no additional benefits outside of the regulation cleanup.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no initial cost to implement this administrative regulation.

(b) On a continuing basis: There will be no cost on a continuing basis.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied since all anglers fishing on free fishing days are allowed to fish without a license and trout stamp.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Fisheries and Law Enforcement will be impacted by this amendment.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.170 and 150.175 authorize the department to promulgate administrative regulations requiring licenses for taking fish. KRS 150.025 authorizes the department to establish administrative regulations to carry out the purposes of KRS Chapter 150, which includes fish conservation education.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no initial cost to implement this administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: